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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,891	05/04/2001	Tadanao Ando	FUJY 18.639	8735

26304 7590 07/13/2004

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EXAMINER

MARTINEZ, DAVID E

ART UNIT PAPER NUMBER

2182

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/848,891

Applicant(s)

ANDO ET AL.

Examiner

David E Martinez

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/04/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

The specification is objected to because the material starting from the middle of page 5, line 24, and ending on page 9, line 9, appears to be essentially a verbatim repetition of the claims. There is no need to repeat that which can be found elsewhere in its entirety. The purpose of the brief summary of invention is to apprise the public, and more especially those interested in the particular art to which the invention relates, of the nature of the invention; see MPEP § 608.01(d).

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 6, 8 and 11, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claims 3, 6, 8 and 11, it is not clear as to what it is being claimed. Is the border relay device distributing the filtering information to itself or to a separate/distinct border relay device associated with a different autonomous system that it is facing (connected to through another border relay device)? Due to the vagueness and a lack of clear definiteness in the claims, the claims have been treated on their merits as best understood by the examiner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- 5 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 10

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by US Application Publication No. US 2002/0035698 A1 to Malan et al. (Malan) which claims priority to Provisional Applications 60/231,480, 60/231,481 and 60/231,479, which were all filed on September 8, 2000.

15

With regards to claim 1, Malan teaches an IP communication network system [abstract]:  
comprising a plurality of autonomous systems [fig 8, elements AS-X, AS-Y, AS-Z,  
paragraph 104], configuring IP networks of domains independent of each other, for performing  
20 interior- and exterior-forwarding of IP packets [paragraph 105],  
said plurality of autonomous systems [fig 8, elements AS-X, AS-Y, AS-Z, paragraph 104,  
105] including a plurality of border relay devices positioned at borders between the IP networks  
[fig 8, "Border Router" elements],

each of said plurality of border relay devices including:

25 a discarding unit for discarding, if the IP packet forwarded is an unauthorized intrusion packet, this unauthorized packet when detecting a re-intrusion on the basis of filtering information for detecting the re-intrusion of the unauthorized packet [paragraph 106]; and

a distribution unit for distributing the filtering information to all other border relay devices within said same autonomous system [paragraph 106].

With regards to claim 2, Malan teaches an IP communication network system according to claim 1, wherein a host computer of each of said plurality of autonomous systems includes a detection unit for detecting based on predetermined items of judging information that the IP packet forwarded is the unauthorized intrusion packet [paragraph 106].

5 With regards to claim 3, Malan teaches an IP communication network system according to claim 1, wherein said distribution unit of said border relay device further distributes the filtering information to said border relay device within said autonomous system facing to said autonomous system from which the unauthorized packet is forwarded [paragraphs 105-106].

10 With regards to claim 4, Malan teaches an IP communication network system according to claim 1, wherein each of a plurality of relay devices [fig 8, "Border Router" elements] positioned at relay points between the respective IP networks of said plurality of autonomous systems [fig 8, elements AS-X, AS-Y, AS-Z, paragraph 104, 105] includes:

a discarding unit for discarding, if the IP packet forwarded is an unauthorized intrusion packet, this unauthorized packet when detecting a re-intrusion on the basis of filtering  
15 information for detecting the re-intrusion of the unauthorized packet [paragraph 106]; and

a distribution unit for distributing the filtering information to all said relay devices within said same autonomous system [paragraph 106].

With regards to claim 5, it is of the same scope as that of claim 1 above, thus rejected under the same rationale.

20 With regards to claim 6, It is of the same scope as that of claim 3 above, thus rejected under the same rationale.

With regards to claim 7, it is of the same scope as that of claim 1 thus rejected under the same rationale, except for detecting that the IP packet forwarded is an unauthorized intrusion packet on the basis of predetermined items of judging information [paragraphs 105-106].

With regards to claim 8, It is of the same scope as that of claim 3 above, thus rejected under the same rationale.

With regards to claim 9, its of the same scope as that of claim 4 above, thus rejected under the same rationale.

5 With regards to claim 10, It is of the same scope as that of claim 1 above, thus rejected under the same rationale.

With regards to claim 11, It is of the same scope as that of claim 3 thus rejected under the same rationale.

### ***Conclusion***

10 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No 5,905,859 to Holloway et al.

US Patent No. 5,991,881 to Conklin et al.

US Patent No. 6,363,489 to Comay et al.

15 If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the  
20 Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the

Art Unit: 2182

provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E Martinez whose telephone number is (703) 305-4890. The  
5 examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent  
10 Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DEM

  
JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100